



# RESEARCH REPORT

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<b>Catalog number</b>	98010
<b>Date:</b>	December 9, 1998
<b>Subject:</b>	Financial Review Unit
<b>To:</b>	David Smith, County Administrative Officer
<b>From:</b>	Sandi Wilson, Deputy County Administrator Chris Bradley, Budget Manager
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## Executive Summary

### Issue

Why is the Financial Review Unit (FRU) failing to achieve its intended objectives and what improvements can be implemented to make the program cost effective?

### Conclusions

When the Pretrial Services Agency of the Superior Court submitted its cost-benefit analysis of the FRU, it reported that the program was cost ineffective and a burden for the Superior Court to operate. The research report submitted by the Office of Management and Budget (OMB), however, presents a cost-benefit analysis that depicts the FRU as having the potential to be cost effective and beneficial for the County with the implementation of certain procedural remedies.

The purpose of the FRU is to conduct financial reviews of defendants in an attempt to divert those individuals who can afford legal representation into the Legal Defender's Private Attorney Indigent Defense program (PAID) or the private sector. Unfortunately, this is difficult since the PAID program requires that defendants pay an up front fee of \$750 before an attorney will accept the case. Although an evaluation by the FRU may determine that a defendant has the financial resources to pay for an attorney, the up front fee has proven difficult for many individuals.

When diversion is not feasible, it is the responsibility of the FRU to validate indigence or the level of quasi-indigence thereof. If a level of quasi-indigence is determined then a fee is assessed to the individual so that a portion of the costs associated with public representation can be recovered. Unfortunately, most of the defendants who are assessed a fee are on a payment plan and many of those individuals have their cases disposed of before payment is complete. This has resulted in numerous delinquent accounts and negatively impacts FRU collection efforts. During the first year of operations, the FRU collected 43 percent of the fees that were assessed.

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In conjunction with the problems associated with recovering costs, the FRU is hindered in its efforts to evaluate all defendants eligible for a financial review making it difficult to generate revenue. This difficulty is due to a low referral rate from the Initial Appearance Court and a low screening rate among the individuals who are referred to the FRU. Approximately 33,645 defendants from IA Court were eligible for a financial review during the first year of operations, yet only 5,068, or 15 percent, of those defendants were referred. In addition, the FRU is screening a small percentage of the defendants who are referred to the program. Approximately 25 percent of the individuals who are assigned to the FRU are reporting for their financial screening. However, of the defendants who do appear for the evaluation, nearly 70 percent are assessed a fee. An increase in the referral rate and the screening rate can significantly improve efforts to recover indigent representation costs.

The Pretrial Services Agency is not fully utilizing the FRU staff for its intended purpose. Rather, FRU staff members are being cross utilized in other areas of Pretrial Services. Funding for the FRU was recommended based upon the number of staff members that was required to conduct the projected 7,020 annual financial reviews. However, only 1,552 defendants (22 percent) were actually screened. If the number of defendants screened per year remains at its current level, then the budget should be reduced to reflect the funding necessary to operate at that level.

## **Recommendations**

If we are partially successful in implementing some or all of the following recommendations, ultimately this program should prove to be cost effective for Maricopa County.

- **Require the IA Commissioners to send all defendants who receive public representation to the FRU.**
- **Screen in custody referrals.**
- **Strengthen judicial involvement to increase the overall reporting rate.**
- **Establish automatic payment plans whenever possible.**
- **Garnish the wages of defendants who fail to comply with their payment schedule.**
- **Place a lien on the premium amount that a defendant pays for a bond to ensure payment.**
- **Allow defendants who are referred to the PAID program to make monthly payments.**
- **Use a portion of the revenue generated through the \$25 Public Defender Reimbursement Fee to offset the costs of FRU operations.**
- **Create an FRU Working Group to implement these recommendations.**

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## **Research Report**

### **Issue**

Why is the Financial Review Unit (FRU) failing to achieve its intended objectives and what improvements can be implemented to make the program cost effective?

### **Background**

The significant increase in indigent representation costs to Maricopa County served as the impetus in creating the FRU. Its intent is to validate indigence and divert defendants away from indigent representation into private sector representation at the expense of the defendant. For those individuals unable to afford a private attorney, the FRU evaluates the level of financial resources of defendants and determines if any fees can be levied to offset the costs associated with indigent representation.

Pursuant to Arizona Rules of the Court (ARC) 6.1(b), 6.4, and 6.7, the Superior Court of Maricopa County has the responsibility of assigning public counsel to indigent defendants, validating the indigence of defendants, and assessing any reimbursement fees based upon a level of quasi-indigence. The FRU in the Pretrial Services Agency (PSA) of the Superior Court was established in August of 1997 to perform the functions mandated by the ARC.

On June 26, 1998, PSA submitted a progress report to the Office of Management and Budget (OMB) reviewing the program's performance for the period covering August 4, 1997 through May 31, 1998. Although it was candid in presenting the programs shortcomings, it was not conclusive in presenting the overall benefits to the County on a system-wide basis. As a result OMB replied with a list of questions and issues that should be taken into consideration when measuring the overall benefits of the program.

In response to these concerns, PSA administrators have submitted a revised report that details the progress of the FRU's first year. It attempts to identify the cost savings provided by the FRU to the criminal justice system as well as explain why collection of reimbursements lags behind financial assessments. In addition, the report makes preliminary recommendations to improve the effectiveness of the program. The purpose of the OMB report is to present OMB's analysis independent of the Pretrial Services Agency analysis in an attempt to provide a system-wide cost-benefit analysis of the FRU and make recommendations that will increase its overall effectiveness.

The FRU process is comprised of three main components. It begins with an initial screening conducted in the Pretrial Services Jail Unit (JU). An FRU staff member working from the JU will conduct a preliminary financial screening to determine the type of legal representation that should be assigned by the Initial Appearance

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Commissioner. The type of counsel recommended can include an attorney appointed from Indigent Defense, referral to a private attorney, or referral to the Private Attorney Indigent Defense (PAID) program. The recommendation can also include a referral to the FRU for a more in-depth financial screening.

At the IA hearing, the commissioner appoints counsel using the Order Regarding Counsel (ORC) form and may refer that the arrestee report to the FRU for a screening. Theoretically, the IA commissioner would follow the JU's recommendation regarding a referral to the FRU. Approximately 50% of arrestees appearing at IA Court do not have charges filed against them. Only those who have been charged and who are not in custody are expected to show up for an FRU screening.

Superior Court Initial Appearance (IA) and Not Guilty Arraignment (NGA) commissioners refer defendants to the FRU on a discretionary basis. Referrals from NGA who may not have been booked in Madison Street Jail but were summoned to court as a result of charges filed by the County Attorney, may also be referred to the FRU. Additionally referrals may come from the 21 Justice Courts, Guilty Arraignment (GA) Courts, the Expedited Drug Court (EDC), and other court hearings.

The second component of the FRU process is the financial screening. An interview is conducted by FRU staff to determine indigence or if the income level and household size of the defendant will warrant a fee towards the cost of counsel. Fee determination is based upon a sliding scale and ranges from \$84 to \$744. The FRU officer places defendants who cannot afford the full fee at the time of assessment on a payment plan. The payment plan is based on the discretionary income of the defendant and is derived using the FRU determination/assessment form. Defendants whose financial level places them beyond the quasi-indigent level, but within a pre-established income level, are referred to the PAID program. This allows defendants to retain private attorneys who have agreed to represent clients at a rate of \$750 for 15 hours of legal services. Payment for services through PAID are handled by the Legal Defender's Office. A public defender is provided free of charge for defendants who have had their indigence validated.

The judicial officer assigned to the case is notified of the results of the financial review by way of minute entry. The FRU staff is deputized by the court to enter minute entries on behalf of the Associate Presiding Judge. The intent is to enforce the outcome of the FRU screening so that defendants who are assessed a fee make their payments in a timely manner or defendants who are assigned to the PAID program appear at their subsequent court dates with an attorney. The third component of the FRU process concerns the collection of revenues from defendants who have been assessed reimbursement fees. The Superior Court's Intensive Collections Management (ICMP) program handled the collections for the FRU through August 9, 1998. ICMP was responsible for tracking and collecting payments from defendants that were on payment plans as well as attempting to collect on accounts that had been delinquent. ICMP also prepared letters for the PSA Failure to Appear Unit (FTAU) to deliver to defendants who

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had been non-compliant on their payment plans. The current system now notifies the court via minute entry of defendants who are delinquent on their accounts. Although ICMP is no longer involved in the FRU process, the FTAU still delivers letters to defendants who are not compliant.

## Discussion

The FRU exists to ease the economic burden that indigent defense places on the criminal justice system. In an effort to achieve this goal, the FRU has four objectives.

- **Assess fees towards indigent representation based on the defendant's ability to pay**
- **Collect reimbursement fees assessed to the defendant**
- **Divert defendants who can afford to pay \$750 for felony offenses to the PAID program to increase cost savings for the county criminal justice system**
- **Improve defendant accountability by validating indigence and determining the ability of defendants to contribute towards indigent representation.**

Originally, Pretrial Services and OMB hoped to collect enough reimbursement fees and divert enough defendants to the private sector to justify the cost of the FRU. However, projections were not achieved, and the FRU program review cited deficiencies that prevented administrators from running a cost-effective program.

### Review of FRU Cost-Benefit Analysis

A more inclusive cost-benefit analysis of the Financial Review Unit should show the total impact it has on the criminal justice system rather than focus on the impact it has on Superior Court. The FRU revised report measures the program's benefit in terms of revenues and cost avoidance directly attributed to FRU intervention. Table I depicts the program's expenditure budget and actual expenditures for the first year of operations compared with the assessments and collections of reimbursement fees.

**Table I**

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<b>Budget</b>					
Expenditure	FY 96/97	Actual*	FY 97/98	Actual*	
<u>PSA</u>					<u>Assessments**</u>
Personnel	\$ 86,735.30	\$ 80,732.92	\$ 260,205.90	\$ 242,198.76	
Equipment	\$ 22,492.00	\$ 22,492.00	\$ -	\$ -	
Other	\$ 4,258.33	\$ 4,258.33	\$ 11,275.00	\$ 11,275.00	
<b>FRU Total</b>	<b>\$ 113,485.63</b>	<b>\$ 107,483.25</b>	<b>\$ 271,480.90</b>	<b>\$ 253,473.76</b>	<b>\$ 144,073.00</b>
<u>ICMP</u>					<u>Collections</u>
Personnel	\$ 16,773.12	\$ 8,386.56	\$ 50,319.36	\$ 25,159.68	
Other	\$ 500.00	\$ 500.00	\$ -	\$ -	
<b>ICMP Total</b>	<b>\$ 17,273.12</b>	<b>\$ 8,886.56</b>	<b>\$ 50,319.36</b>	<b>\$ 25,159.68</b>	<b>\$ 61,598.24</b>
<b>Program Total</b>	<b>\$ 130,758.75</b>	<b>\$ 116,369.81</b>	<b>\$ 321,800.26</b>	<b>\$ 278,633.44</b>	<b>43% collections rate</b>

\*One PSA budgeted position and one ICMP budgeted position is unfilled.

\*\* Reimbursement fees were not collected until FY 97/98.

The potential of the program is not being met and, unfortunately, the cost of the program is exceeding the benefit that it provides to the County. Comparing the program's initial projections with its actual performance indicates that it is performing at a sub-optimal level. Specifically, the FRU is not collecting enough of the reimbursement fees, nor is it able to adequately determine total cost avoidance through diversion into the private sector. Table II compares the actual performance of the first year with the projected performance for the first year.

**Table II**

<b>Measure</b>	<b>Projected Performance</b>	<b>Actual Performance</b>
Referrals including non-filed cases from IA	23,400 defendants	12,304 defendants
Excluding non-filed cases from IA (charges filed)	14,300 defendants	6,135 defendants
Defendants Screened	7,020 (70% reporting rate)	1,552(25% reporting rate)
Defendants Assessed	1,820	1,085
Assessment Amount	\$378,560 (\$208 per defendant)	\$144,073 (\$132.79 per defendant)
Amount Collected	\$276,349 (73% collections rate)	1,085 (43% collections rate)

### Measuring Program Potential

#### **Cost Avoidance**

Pretrial Services noted that the costs avoided by referring individuals to the PAID program resulted in minor savings. The FRU referred 22 individuals to the PAID program or the private sector with ten of them retaining attorneys. The average cost per case is \$555.95. The resultant cost avoidance of \$5,559.50 can be attributed directly to FRU intervention. PSA administrators view this amount as inadequate to justify continuing FRU operations within Superior Court. However, they did not consider the savings that the county incurs when individuals seek out private representation on their own to avoid a financial review, as the information was not tracked until recently.

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When the OMB recommended funding to establish the FRU, its impact was to be measured broadly in terms of the total benefit it would have on the criminal justice system. OMB had hoped that the success of the program was to be viewed based on the number of defendants who retained legal representation within the private sector regardless of direct or indirect FRU intervention. The administrators do not clearly emphasize this in the revised report.

Since the implementation of the FRU at the IA Courts, a direct impact on referrals to the PAID program was substantial. The PAID program experienced a surge in referrals in the first year of the FRU's existence. It received 638 referrals from August 1997 until July 1998; 551 were directly from IA Courts. Compared with the 14 months prior to the FRU, April 1997 to July 1998, the program had 173 referrals. It is difficult to quantify the cost avoidance that can be directly attributed to FRU intervention. To eliminate the program when it has shown that it has significant promise is premature.

It is also difficult to quantify the cost avoidance due to incomplete data and the manner in which some data is tracked. The revised report accounts for the number of defendants who retained private counsel due to direct intervention by the FRU. Since then PSA has supplied OMB with data that shows an additional 35 defendants retained private counsel to avoid FRU fees. This results in an additional cost avoidance of \$19,458. Further research may show more defendants who failed to pay fees actually retained private counsel. Findings of this nature can show that the FRU is having an effect on deterrence greater than what has been reported.

A significant saving that should be reported by the Pretrial Services Agency is not included in their revised report. This is due to the number of defendants who were diverted to PAID from IA Courts and actually retained counsel but was not tracked until June 1998. A more accurate measure of FRU performance should include the number of individuals who retained private counsel through the private sector or the PAID program regardless of direct FRU intervention (see Table III).

**Table III**

<b>PAID Program</b>					
<u>Period</u>	<u>Referrals to PAID</u>	<u>PAID Attorneys Retained</u>	<u>Private Attorneys Retained</u>	<u>Total Retained</u>	<u>Total Savings</u>
April 1996-July 1997*	173	104	13	117	\$ 61,821.63
August 1997-July 1998	638	93	76	169	\$ 93,955.55

\* Cost avoidance amount based on a cost per case of \$528.39.

\*\* Cost avoidance amount based on a cost per case of \$555.95.

Although the increase in the number of individuals who retained PAID or private counsel is not significantly greater from one period to the next, the potential to divert defendants away from indigent representation has increased. The FRU does have a direct or indirect effect on the number of referrals to PAID.

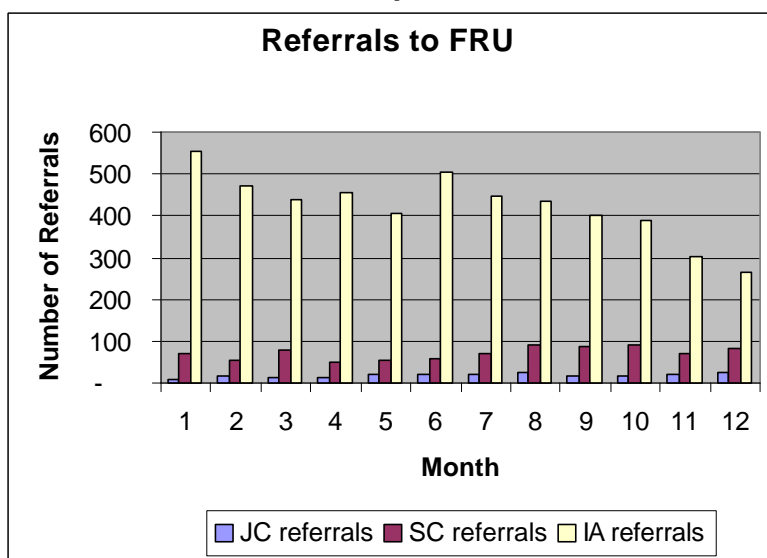
## **Reimbursement Fees**

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A significant component of the FRU is the assessment and collection of reimbursement fees. The program has more control over the tracking and collection of fees than it does the outcome of referrals to the PAID program. Still, the FRU is collecting only 43 percent of its fees. Although increasing the collection rate based on the current assessment level would increase revenues, other avenues to increase revenues need to be addressed. Three components that PSA administrators can affect to increase revenues are the referral rate, screening rate, and the collection rate. Each component is intertwined sequentially such that the number of referrals can impact the number of defendants screened which can impact the amount of fees collected. The number of defendants screened will affect the total amount of fees, but the assessment amount per defendant is based on an established formula (federal poverty guidelines and household size) and is an area that is somewhat beyond FRU control.

The number of referrals to the FRU will affect the amount of revenues that the program collects. Of the 12,304 total number of defendants who were referred to the FRU, 11,243 were from IA Courts. Adjusting for the cases that had charges filed by the County Attorney, 5,068 of the 6,135 defendants were referred to the FRU from IA Courts (see Graph I). Thus, the effectiveness of the FRU largely depends on IA Court referrals (FRU staff note that increased referrals from other courts will not affect total referrals rates as significantly as IA Court referrals.)

**Graph I**



During the first year of FRU operations, IA Courts processed approximately 67,290 cases. Of those cases approximately 17 percent were referred to the FRU resulting in the 11,243 total number of IA referrals (includes non-filed cases). Approximately 50 percent of the cases that are processed in IA Courts have charges filed by the County Attorney. This would result in an estimated 33,645 cases that were eligible for an FRU screening in the first year if all cases were assigned indigent representation. **However,**



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the FRU received just 15 percent, or 5,068, of the eligible defendants from IA Courts.

Since the FRU did not have the opportunity to determine the financial status for the other 28,577 defendants, the potential loss of revenue was substantial. Based on the current screening rate (25 percent), referral of the additional 28,577 defendants would have resulted in 7,144 defendants reporting to a financial screening. The current assessment rate (70 percent) would have resulted in 5,000 defendants contributing towards the cost of counsel at an average assessment of \$132.79. **Potentially the FRU could have generated \$663,950 in assessments based on an increase in IA Court referrals alone.**

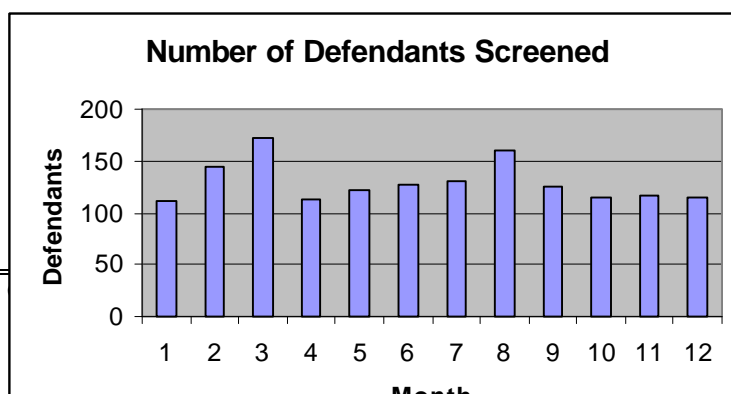
The FRU is experiencing a high no show rate among its referrals. Approximately 25 percent of the defendants who are referred to the FRU actually report to their financial review. However, of those defendants who do report nearly 70 percent are assessed a fee. This has only resulted in \$144,073 in assessed fees. Based on the current referral rate, an increase in the screening rate alone would still generate substantial revenue for the County (see table IV). **Ultimately, the FRU had the potential to assess an additional \$425,000 in reimbursement fees in the first year of operations.**

**Table IV**

Screening Rate				
Referrals	Screening Rate	Screened	Assessed (70%)	Assessment Amount
6,135	25%	1,552	1,085	\$ 144,073.00
6,135	40%	2,454	1,716	\$ 227,812.71
6,135	60%	3,681	2,573	\$ 341,719.07
6,135	80%	4,908	3,431	\$ 455,625.42
6,135	100%	6,135	4,289	\$ 569,531.78

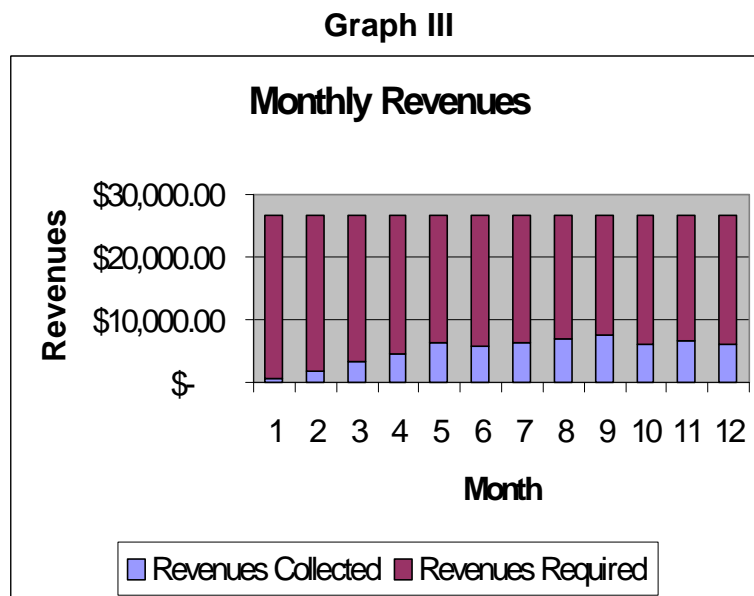
Assuming the screening rate will increase is unlikely based on current FRU procedures. Overall the program is experiencing a two-percent increase in screenings per month. But this is due to the first three months of operations where the FRU experienced a 24 percent increase in defendants screened per month. A more accurate account of the screening rate should depict the trend once operations began to level off. During the first six months of operations the FRU experienced a five-percent increase per month, but in the last six months the screening rate has decreased by one-percent per month (see Graph II).

**Graph II**



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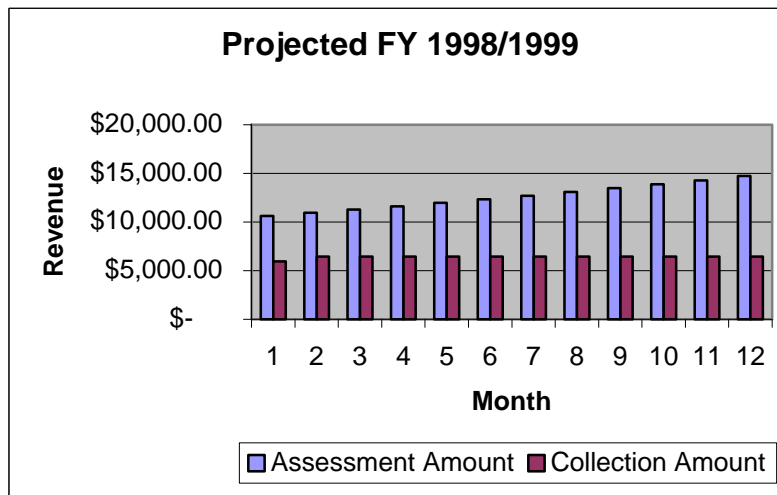
An increase in the collection rate alone will not greatly improve FRU revenues. Clearly, improving the collection rate to 100 percent can only increase revenues to a maximum of \$144,073. The collection of fees is relatively constant averaging \$5,133 per month. Based on the current budget, the FRU would have to average \$26,816 per month just to recover budgeted expenditures. Graph III compares the revenues collected versus the revenues required to make the program solvent.



Assessments and collections began to level off in the fifth month of operations. From December 1997 through July 1998, the average monthly assessment was \$9,871 and the average monthly collection was \$6,444. Assessments experienced three- percent growth per month and collections experienced no growth during this time period. Graph IV illustrates the current year's projected revenue based on this level of growth.

**Graph IV**

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Total assessments will project at \$150,932 and total collections will project at \$76,848 for this fiscal year. According to projections the program's expenditures will exceed assessments by \$170,868 and collections by \$244,952. Clearly, this trend can result in collections becoming a smaller percentage of assessments in ongoing months.

### Public Defender Reimbursement Fee

House Bill 2332 passed during the 1998 Legislative Session allows Indigent Representation to collect reimbursements up to \$25.00 to offset the costs of public representation. Although implementation has not yet begun, initial meetings to develop a program to track and collect reimbursement fees are underway. Based on recent meetings with Indigent Representation and Superior Court, it appears that the tracking and collecting of the fee will be tied to current FRU collection efforts.

The \$25 Public Defender Fee will not replace current FRU assessment fees and will not be contingent upon a financial review. The fee, rather, will be assessed to defendants regardless of financial status. It has the potential to generate substantial revenue for the county. From August 1997 through July 1998, the Public Defender's office assigned attorneys to 35,928 defendants (adult felonies only). During this period a fee of \$25 per defendant would have generated assessments of \$898,200.

### **Conclusion**

The revised report submitted by the Pretrial Services Agency depicts the FRU as cost ineffective and a burden to the Superior Court Department. It does not report on the potential of the program and does not capture the full cost-benefit of the program. A more thorough analysis of the program shows that it does have the ability to provide a significant benefit. Although the program does have its shortcomings, it should not be eliminated because procedural remedies can be implemented to realize the potential of

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the program. Furthermore, the program requires enforcement by the judicial officers in Superior Court so moving the program to another department is not recommended.

The purpose of the FRU is to conduct financial reviews of defendants in an attempt to divert those individuals who can afford legal representation into the PAID program or the private sector. Unfortunately, this is difficult since the PAID program requires that defendants pay an up front fee of \$750 before an attorney will accept the case. Although an evaluation by the JU or FRU may determine that a defendant has the financial resources to pay for an attorney, the up front fee has proven difficult for many individuals. As a result defendants diverted to the PAID program or private sector have shown up to the preliminary hearings without counsel.

When diversion is not feasible, it is the responsibility of the FRU to validate indigence or determine the level of quasi-indigence. If quasi-indigence is determined then reimbursement fees are assessed so that defendants can partially contribute to the cost of counsel. Unfortunately, 98 percent of defendants are on a payment plan and 53 percent have their cases disposed of in six months or less. This has resulted in numerous delinquent accounts. The FRU lowered reimbursement fees and shortened payment plans (\$126.79 to \$93.35 in March and \$93.35 to \$67.61 in April) to combat delinquent accounts. Even though payments in full increased, the improved collection rate was offset by the reduced revenue amount and resulted in no substantial gains. Lowering assessment levels to increase the collection rate should not compromise total revenues.

The screening rate is not generating enough fee revenue necessary to provide a benefit. It needs to be increased in conjunction with the collection rate before the county will realize substantial revenue. An effort to decrease the number of no shows as well as include in-custody defendants is essential.

The program is cross utilizing staff members to perform other functions within Pretrial Services, even though funding for personnel was intended for the sole purpose of running the FRU. Recommended funding for personnel was based upon the number of FRU staff members required to screen a projected number of defendants per year. Initial program projections estimated that the FRU would receive 14,300 referrals with 7,020 of those reporting for a financial screening. During the first year FRU staff screened 1,552 of the 6,135 total referrals. Actual screenings were approximately 22 percent of projected screenings. If the number of defendants screened per year remains at its current level, then the budget should be reduced to reflect the funding necessary to operate at that level.

The FRU would generate substantial revenues if it increases its referral rate and attempts to screen the total number of defendants who have charges filed by the County Attorney. A larger pool of defendants that are eligible for a financial review exists. Efforts should concentrate on ensuring that the FRU interacts with defendants who are assigned a public defender or who are eligible to receive a public defender.

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If we are partially successful in implementing some or all of the following recommendations in conjunction with the assessment of the \$25 Public Defender Reimbursement Fee, ultimately this program should prove to be cost effective for Maricopa County.

## Recommendations

The following is recommended:

- **Require the IA Commissioners to send all defendants who receive public representation to the FRU.** A problem for the FRU is the referral rate from IA Courts. An Order Regarding Counsel form that assigns public representation without a referral to the FRU should be questioned. Initial Appearance Commissioners should not be given the discretion to send defendants to the FRU. Rather any defendants from IA Courts who are assigned a publicly funded attorney should be screened. Furthermore, other court jurisdictions should make better use of the FRU as well. It is likely that total revenues would increase and ensure a heightened sense of accountability among defendants who claim indigence.
- **Screen in custody referrals.** A significant number of referrals are not being screened due to in custody status. Since an objective of the FRU is to heighten defendant accountability by validating indigence or income level thereof, the FRU should make every attempt to interview defendants who are in pretrial custody. The FRU should utilize the video conferencing capabilities of Pretrial Services to achieve this end. It is possible that increasing the screening rate could have an effect on revenues.
- **Strengthen judicial involvement to increase the overall reporting rate.** Approximately 25 percent of the out of custody defendants do not show up for their screening. Although FRU staff enters minute entries to notify the court of no show defendants, the low reporting rate continues. Enforcement by judicial officers is vital to the existence of the FRU. Despite notification by the Associate Presiding Judge, judicial officers do not seem to enforce FRU assessments to a large extent. A meeting should be set up between PSA administrators and senior judicial officers to convey the full potential of the FRU. Perhaps if judicial officers have a voice in running the program they would be more apt to enforce the reporting rate among defendants.
- **Establish automatic payment plans whenever possible.** For those defendants who have a bank account or credit card, an automatic payment plan should be used to collect payments. This ensures that defendants will make timely payments without the FRU having to deliver collection notices. Furthermore, an automatic

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payment plan takes the burden of collection off of the FRU because, now, the defendant is accountable to the bank or credit card company.

- **Garnish wages.** The FRU should take a more aggressive approach to collections. The FRU should attempt to garnish the wages of defendants who are delinquent. This will take some of the burden of collecting delinquent accounts off of the FRU.
- **Place a lien on the premium amount that a defendant pays for a bond.** If a defendant posts a bond for pretrial release, then the FRU can place a lien on the premium in an amount equal to the reimbursement fee. With this strategy the burden associated with collecting fees is taken off of the FRU and the need for a payment plan is eliminated. In addition, the PAID program can adopt a similar strategy to ensure compliance when a defendant is directed to retain privately funded counsel. Furthermore, the issue of accountability on the part of the defendant would shift to the private sector.
- **Allow defendants who are referred to the PAID program to make monthly payments.** Until the PAID program can institute a payment plan, the ability of defendants to retain private attorneys will be difficult. Since the FRU tracks and collects reimbursement fees through payment plans, it could develop a similar plan regarding the PAID program. Although there has been a significant increase in referrals to the PAID program since the inception of the FRU, few defendants actually retain an attorney. PAID staff note that the ability of defendants to pay \$750 up front is the greatest difficulty. Based on the current arrangement of the PAID program, the deterrent effect of the FRU is limited.
- **Use a portion of the revenue generated from the \$25 Public Defender Reimbursement Fee to offset the costs of FRU operations.** Implementing a \$25 fee for all defendants who receive publicly funded counsel may generate enough revenue to justify the cost of the FRU. In addition, requiring that the FRU collect this initial fee can reduce the no show rate among defendants. All defendants who receive publicly funded counsel will report to the FRU to pay the in fee. This will improve the reporting rate among defendants and, subsequently, increase the pool of defendants who can be screened.
- **Create an FRU Working Group to implement the aforementioned recommendations.** Representatives of the Indigent Representation and Superior Court Departments in conjunction with the Office of Management and Budget should develop and participate in an ongoing working group to implement the recommendations necessary to improve the FRU. The group should consider any alternatives that would increase cost effectiveness and improve work processes. In addition, the working group should also consider the possibility of any organizational change that would lend itself to increasing the overall benefit that the FRU provides to Maricopa County.